

Hearing Date And Time: TBD

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re	:	Chapter 11
	:	
DELPHI CORPORATION, <u>et al.</u> ,	:	Case No. 05-44481 (RDD)
	:	
	:	(Jointly Administered)
Debtors.	:	
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DEBTORS' PRELIMINARY OBJECTION TO MOTION OF DENNIS BLACK, CHARLES CUNNINGHAM, AND THE DELPHI SALARIED RETIREE ASSOCIATION UNDER RULE 2018(a) OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE FOR AN ORDER
AUTHORIZING INTERVENTION INTO THIS CASE

Delphi Corporation ("Delphi") and certain of its subsidiaries and affiliates, debtors and debtors-in-possession in the above-captioned cases (the "Debtors"), hereby file this preliminary objection (the "Preliminary Objection") to the Motion Of Dennis Black, Charles Cunningham, And The Delphi Salaried Retiree Association Under Rule 2018(a) Of The Federal Rules Of Bankruptcy Procedure For An Order Authorizing Intervention Into This Case (the "Motion") filed by Dennis Black, Charles Cunningham, and the Delphi Salaried Retirees Association (together, the "Movants") on July 15, 2009 (Docket No. 18303).

Preliminary Objection

The Movants filed the Motion on July 15, 2009, only eight days before the July 23, 2009 Omnibus Hearing Date. This violates the Supplemental Case Management Order¹ even with respect to pleadings filed on an expedited basis. (See ¶ 11 Supplemental Case Management Order.) Pursuant to the Supplemental Case Management Order, the hearing with respect to the Motion is automatically scheduled for the August 20, 2009 Omnibus Hearing Date. (See id.)

Nevertheless, as a precautionary matter, the Debtors file this Preliminary Objection to this Motion being heard at the July 23, 2009 Omnibus Hearing Date and reserve their right to object to, among other things, the Delphi Salaried Retiree Association's (the "Association") efforts to intervene. Furthermore, the Debtors object to the relief sought in the Motion because the Association is not a party in interest in these cases as defined in section 1109 of the Bankruptcy Code. See 11 U.S.C. § 1109(b). The Debtors expressly reserve all rights to further supplement their Preliminary Objection to this Motion and to file a supplemental

¹ See Supplemental Order Under 11 U.S.C. §§ 102(1) And 105 And Fed. R. Bankr. P. 2002(M), 9006, 9007, And 9014 Establishing Omnibus Hearing Dates And Certain Notice, Case Management, And Administrative Procedures (Docket No. 2833), entered by this Court on March 17, 2006 (the "Supplemental Case Management Order"), a copy of which is attached hereto as Exhibit A.

objection in accordance with the procedures set forth in the Supplemental Case Management Order.

WHEREFORE, for the foregoing reasons, the Court should not entertain the Motion at the hearing on July 23, 2009.

Dated: New York, New York
July 20, 2009

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